

REMARKS/ARGUMENTS

Claims 68-104 are pending. By this Amendment, claims 54-57, 59, 61-63, and 65-67 are canceled and new claims 68-104 are added. Reconsideration in view of the above amendments and the following remarks are respectfully requested.

The Office Action rejects claims 54-57, 61 and 65-67 under 35 U.S.C. §102(b) over McCall (U.S. Patent No. 5,921,239), rejects claims 59 and 62 under 35 U.S.C. §103 over McCall in view of Sullivan (U.S. Patent No. 6,039,044), and rejects claim 63 based on the combination of McCall in view of Scarberry (U.S. Patent No. 6,397,847). These rejections are respectfully traversed as they may be applied to the added claims.

Independent claim 68, 82 and 95 are directed to a mask system for treating sleep disordered breathing. The mask system of claim 68 comprises, *inter alia*, a flexible shell and cushion unit including a cushion portion forming a seal with a patient in use, and including a shell portion, the shell portion including at least one frame-receiving channel and an aperture centrally located on the shell portion, the flexible shell and cushion unit being an integral single piece of silicone defining an interior breathing chamber, a rigid frame including frame edges shaped to fit into the at least one frame-receiving channel, the frame supporting the shell and cushion unit in use, the frame edges including projecting frame ribs, a rigid ring-shaped member including a rear end positioned at least partially within the aperture of the shell portion to communicate with an interior of the breathing chamber, the ring-shaped member including an annular front flange, a rotatable elbow having a first end and a second end, the first end including an undercut provided to and engaging with the annular front flange of the ring-shaped member, and a plurality of vent holes provided in the shell portion.

Claims 82 and 95 include similar recitations of the flexible shell and cushion unit, a rigid frame including frame edges shaped to fit into the at least one frame-receiving channel, the frame supporting the shell and cushion unit in use, a rigid ring-shaped member including a rear end positioned at least partially within the aperture of the shell portion to communicate with an interior of the mask system, a rotatable elbow having a first end and a second end, the first end engaging with the annular front flange of the ring-shaped member, and a plurality of vent holes provided in the shell portion.

McCall does not teach or disclose this subject matter. There is no teaching or suggestion in McCall as to the shell portion including at least one frame-receiving channel and an aperture, the flexible shell and cushion unit comprising an integral single piece, a shell portion including at least one frame-receiving channel, a rigid frame including frame edges shaped to fit into the at least one frame-receiving channel, the frame edges including projecting frame ribs, or a plurality of vent holes provided in the cushion.

The Office Action cited Sullivan as disclosing apertures 25, which are provided in the elbow 24, but there is no disclosure of a plurality of vent holes provided in the cushion. The Office Action cited Scarberry for disclosing reinforcing ribs provided to the shell. However, Scarberry does not disclose the frame edges including projecting frame ribs as required by the claims.

Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the above amendments and remarks, Applicants respectfully submit that all the claims are patentable and that the entire application is in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith

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(or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140
under Order No. PTB-4398-474.

Should the Examiner believe that anything further is desirable to place the application in
better condition for allowance, he is invited to contact the undersigned at the telephone number
listed below.

Respectfully submitted,

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